

AMENDED IN SENATE MAY 6, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1455

Introduced by Senators Cogdill and Denham

*(Coauthors: Senators Ashburn, Cedillo, Lowenthal, Margett, Oropeza,
and Torlakson)*

*(Coauthors: Assembly Members Benoit, Berryhill, La Malfa, Maze, and
Sharon Runner)*

February 21, 2008

An act to amend Sections 5156, 5157, and 5158 of the Vehicle Code,
relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, as amended, Cogdill. Vehicles: specialized license plates.

Under existing law, the Department of Motor Vehicles issues environmental and other specialized license plates. The issuance of some of those license plates is subject to additional fees. Existing law prohibits the department from establishing a specialized license plate program for an agency until the department has received not less than 7,500 applications for the plates.

This bill would authorize the Department of Veterans Affairs to sponsor a Gold Star Family specialized license plate and would waive the 7,500 minimum application requirement. The bill would authorize a person who is an eligible family member, as the bill would define that term, of a member of the Armed Forces who was killed ~~while serving on active duty in the military~~ *in the line of duty, as specified*, to apply for the specialized license plate. The bill would establish the Gold Star

Family License Plate Account in the Specialized License Plate Fund. The bill would authorize the Department of Veterans Affairs to actively request and receive donations that would be deposited in the account and, upon appropriation by the Legislature, the fund moneys would be available to the Department of Motor Vehicles for the necessary administrative costs of establishing the Gold Star Family license plate. The bill would exempt the participants in this program from specialized license plate additional, original issuance, renewal, replacement, and transfer fees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Throughout its history, thousands of Californians have given
4 their lives in the Armed Forces of the United States in defense of
5 our country.

6 (b) “Gold Star Family” is a commonly understood term used to
7 describe a family member who has lost a loved one in military
8 service.

9 (c) Gold Star Families in California have sought to honor their
10 lost family members through the creation of a special recognition
11 Gold Star Family license plates, which have been established in
12 several other states.

13 SEC. 2. Section 5156 of the Vehicle Code is amended to read:

14 5156. (a) (1) A state agency may apply to the department to
15 sponsor a specialized license plate program, and the department
16 shall issue specialized license plates for that program, if the agency
17 complies with all of the requirements of this article.

18 (2) The department shall not issue specialized license plates to
19 a state agency for a vehicle that is exempt from the payment of
20 registration fees pursuant to Section 9101 or 9103.

21 (b) Except as provided in subdivision (d), the department shall
22 not establish a specialized license plate program for an agency
23 until the department has received not less than 7,500 applications
24 for that agency’s specialized license plates. The agency shall collect
25 and hold applications for the plates. Once the agency has received
26 at least 7,500 applications, it shall submit the applications, along

1 with the necessary fees, to the department. The department shall
2 not issue a specialized license plate until the agency has received
3 and submitted to the department not less than 7,500 applications
4 for that particular specialized license plate within the time period
5 prescribed in this section. Advance payment to the department by
6 the agency representing the department's estimated or actual
7 administrative costs associated with the issuance of a particular
8 specialized license plate shall not constitute compliance with this
9 requirement. The agency shall have 12 months, following the date
10 of approval of the agency's initial application to sponsor a
11 specialized license plate program, to receive the required number
12 of applications. If, after that 12 months, 7,500 applications have
13 not been received, the agency shall immediately do either of the
14 following:

15 (1) Refund to all applicants all fees or deposits that have been
16 collected.

17 (2) Contact the department to indicate the agency's intent to
18 undertake collection of additional applications and fees or deposits
19 for an additional period, not to exceed 12 months, in order to obtain
20 the minimum 7,500 applications. If the agency elects to exercise
21 the option under this subparagraph, it shall contact each applicant
22 who has submitted an application with the appropriate fees or
23 deposits to determine if the applicant wishes a refund of fees or
24 deposits or requests the continuance of the holding of the
25 application and fees or deposits until that time that the agency has
26 received 7,500 applications. The agency shall refund the fees or
27 deposits to an applicant so requesting. The agency shall not collect
28 and hold applications for a period exceeding 24 months following
29 the date of approval of the agency's initial application to sponsor
30 a specialized license plate program.

31 (c) (1) If the number of outstanding and valid specialized license
32 plates in a particular program, except as provided in subdivision
33 (d), provided for in this article is less than 7,500, the department
34 shall notify the sponsoring agency of that fact and shall inform the
35 agency that if that number is less than 7,500 one year from the
36 date of that notification, the department will no longer issue or
37 replace those specialized license plates.

38 (2) Those particular specialized license plates that were issued
39 prior to the discontinuation provided by paragraph (1) may continue

1 to be used and attached to the vehicle for which they were issued
2 and may be renewed, retained, or transferred pursuant to this code.

3 (d) (1) The Department of Veterans Affairs may sponsor a Gold
4 Star Family specialized license plate and the department may
5 establish this specialized license plate in the absence of 7,500 paid
6 applications as provided under subdivision (d) of Section 5157.

7 (2) The Department of Veterans Affairs shall, upon receiving
8 proof of eligibility from an applicant, authorize the department to
9 issue Gold Star Family specialized license plates for a vehicle
10 owned by an eligible family member of a member of the Armed
11 Forces of the United States who was killed ~~while serving on active~~
12 ~~duty in the military~~ *in the line of duty while on active duty during*
13 *wartime service, or during an international terrorist attack that*
14 *has been recognized by the United States Secretary of Defense as*
15 *and attack against the United States or a foreign nation friendly*
16 *to the United States, or during military operations while serving*
17 *outside the United States, including commonwealths, territories,*
18 *and possessions of the United States, or as part of a peacekeeping*
19 *force, which includes personnel assigned to a force engaged in a*
20 *peacekeeping operation authorized by the United Nations Security*
21 *Council.* An eligible family member is defined as follows:

22 (A) Someone who is otherwise eligible under this article to
23 register a motor vehicle.

24 (B) Someone who shows proof from the United States
25 Department of Veterans Affairs or the Department of Defense that
26 the member who was in the Armed Forces of the United States
27 was killed while on active duty in the military.

28 (C) Someone who bears, and shows proof satisfactory to the
29 Department of Veterans Affairs of, one of the following
30 relationships to the member of the Armed Forces killed while
31 serving on active duty:

32 (i) Widow.

33 (ii) Widower.

34 (iii) Biological parent.

35 (iv) Adoptive parent.

36 (v) Stepparent.

37 (vi) Foster parent in loco parentis.

38 (vii) Biological child.

39 (viii) Adoptive child.

40 (ix) Stepchild.

- 1 (x) Sibling.
- 2 (xi) Half-sibling.
- 3 (xii) Grandparent.
- 4 (xiii) Grandchild.

5 (3) Upon the death of a person issued a Gold Star Family
6 specialized license plate, the license plate shall be transferred to
7 the surviving spouse, if he or she requests, or shall be returned to
8 the department within 60 days after the death of the plateholder
9 or upon the expiration of the vehicle registration, whichever occurs
10 first.

11 SEC. 3. Section 5157 of the Vehicle Code is amended to read:

12 5157. (a) In addition to the regular fees for an original
13 registration or renewal of registration, the following additional
14 fees shall be paid for the issuance, renewal, or transfer of the
15 specialized license plates:

16 (1) For the original issuance of the plates, fifty dollars (\$50).

17 (2) For a renewal of registration with the plates, forty dollars
18 (\$40).

19 (3) For transfer of the plates to another vehicle, fifteen dollars
20 (\$15).

21 (4) For each substitute replacement plate, thirty-five dollars
22 (\$35).

23 (5) In addition, for the issuance of environmental license plates,
24 as defined in Section 5103, with a specialized license plate design,
25 the additional fees prescribed in Sections 5106 and 5108. The
26 additional fees prescribed in Sections 5106 and 5108 shall be
27 deposited in the California Environmental License Plate Fund.

28 (b) The Gold Star Family specialized license plate as provided
29 in subdivision (d) of Section 5156 shall not be subject to the fees
30 specified in subdivision (a) and shall only be issued in a sequential
31 series.

32 (c) Except as provided in paragraph (5) of subdivision (a), and
33 after deducting its administrative costs under this section, the
34 department shall deposit the additional revenue derived from the
35 issuance, renewal, transfer, and substitution of the specialized
36 license plates in the Specialized License Plate Fund, which is
37 hereby established in the State Treasury. Upon appropriation by
38 the Legislature, the moneys in that fund shall be allocated to each
39 sponsoring agency, in proportion to the amount in the fund that is
40 attributable to the agency's specialized license plate program.

1 Except as authorized under Section 5159, the sponsoring agency
2 shall expend all funds received under this section exclusively for
3 projects and programs that promote the state agency's official
4 policy, mission, or work.

5 (d) (1) The Department of Veterans Affairs may actively request
6 and receive donations for the Gold Star Family License Plate
7 Account which is hereby created in the Specialized License Plate
8 Fund and which may consist of donations from public and private
9 entities. Earnings generated by the Gold Star Family License Plate
10 Account shall be retained by the account.

11 (2) Upon the determination of the department that there are
12 sufficient funds in the Gold Star Family License Plate Account
13 for this purpose, moneys in the Gold Star Family License Plate
14 Account shall be available, upon appropriation by the Legislature,
15 to the department for the necessary administrative costs of
16 establishing the Gold Star Family specialized license plate.

17 SEC. 4. Section 5158 of the Vehicle Code is amended to read:

18 5158. If the payment of renewal fees is not required as specified
19 in Section 4000 or if a person determines to retain the specialized
20 license plate upon a sale, trade, or other release of the vehicle upon
21 which the plate has been displayed, except for a vehicle issued
22 plates pursuant to subdivision (d) of Section 5156, the person shall
23 notify the department and the person may retain and use the plate
24 as authorized by departmental regulations.